

Remarks

Claims 1, 3-6, 9-17, 19, 23, 25, 26, 29, 32, 33, 35, 39 and 41 have been amended, claims 18 and 51 have been canceled and new claims 52-62 have been added. Review and reconsideration in view of the amendments and the remarks below are respectfully requested.

Claims 1-15, 18-33 and 35-51 are rejected as defining obvious subject matter over U.S. Pat. No. D381,225 to Malik in view of U.S. Pat. No. D287,550 to Tocci. The Office action takes the position that the Malik reference discloses the claimed device, but does not disclose vertically oriented struts. The Office action then concludes that it would have been obvious to modify the device of the Malik reference to include vertically oriented struts of the Tocci reference to lend more structural stability to the device.

Accordingly, claim 1 has been amended to specify that the shoe rack includes first and second shoe rack modules. Claim 1 has also been amended to specify that the shoe rack includes a generally vertically-oriented strut brace extending between one of the outer rungs or a distal end of one of the support arms of the first shoe rack module, and one of the outer rungs or a distal end of one of the support arms of the second shoe rack module. The vertically-oriented strut brace is specified to provide outer vertical support the first shoe rack module. For example, the strut brace can be seen as component 18 in Fig. 1 of this application, and is also shown in greater detail in Fig. 4.

In contrast, this strut brace does not appear to be shown in the cited references. In particular, the Malik reference does not appear to disclose any struts or braces, as admitted in the Office action. The Tocci reference discloses only a single shoe rack module and does not disclose two shoe rack modules coupled together, or the generally vertically-oriented strut brace as specified in claim 1.

As noted at paragraph 31 of this application, the braces 18 aid in coupling together the modules 12a, 12b, 12c. The brace 18 is shown in greater detail in Fig. 4 of this application, and in one embodiment includes a pair of brace connectors 74, 76 shaped to be received in a corresponding receptacle 42 on the modules 12a, 12b, 12c by an interference fit. As noted at paragraph 32 of this application, each brace 18 extends between adjacent modules 12a, 12b, 12c to provide vertical support between adjacent modules. As noted at paragraph 35 of the application, the braces 18 help to ensure the structural integrity of the rack 10.

In particular, Applicants have found that without the use of braces connecting the separate modules, the shoe rack assembly torques and twists away from a support surface (such as a door) during use. In particular, although the struts 50 of each module may serve to provide vertical support and coupling *within* a module, the struts 50 do not provide support and coupling *between* the separate modules 12a, 12b, 12c. Thus, without the strut braces 18, although each individual module may have rigidity, the entire assembly is not rigidly coupled.

Applicants have thereby found that when the strut braces 18 are not used and a user places shoes on a module, the other modules pull away from the support surface (i.e., door) by about 3-5 inches. In this case, the shoes create a loading torque that causes bowing of the assembly away from the support surface such that the assembly contacts the support surface only at the top and bottom edges, and the center of the assembly bows away which results in an unstable structure. As noted at paragraph 4 of this application, a problem with prior art shoe racks is that they are generally suspended such that the rack engages the door at only a few points, such as the top and bottom of the rack.

Thus, the strut braces specified in claim 1 couple the entire structure together, provide vertical support to the modules, and provide an assembly with a series of parallelograms or rigid box-like structures to provide a secure, stable assembly. As noted at paragraph 7 of this application, the present invention provides a rack that is structurally sound, stable, and expandable. Thus, in sum, it is submitted that claim 1 defines over the cited references.

New claim 52 depends from claim 1 and specifies that the strut brace is removably coupled to the first and second shoe rack modules. New claim 53 depends from claim 1 and adds the element of another generally vertically-oriented strut brace (i.e., with one strut brace being located on either end of a module(s) as can be seen in Fig. 1). New claim 54 depends from claim 1 and further specifies that the strut base is located generally adjacent to the distal end of one of the arms. Thus, claims 52-54 further distinguish over the cited references.

Independent claims 23, 29, 32, 33 and 35 have been amended in a manner analogous to claim 1. In addition, new claims 55-62 depend from claims 23, 29, and 33 and add limitations similar to those of claims 52-54 discussed above.

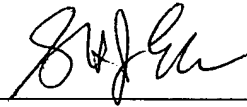
Accordingly, it is submitted that the application is now in a condition for allowance, and a formal notice thereof is respectfully solicited.

Serial No.: 10/613,662
Attorney Docket No.: 483345-538
Amendment

Applicant hereby petitions under 37 C.F.R. §1.136 for an extension of time of two months to respond to the outstanding Office Action. A check incorporating the amount for a two month extension accompanies this Amendment.

The applicant(s) hereby authorizes the Commissioner under 37 C.F.R. §1.136(a)(3) to treat any paper that is filed in this application which requires an extension of time as incorporating a request for such an extension. The Commissioner is hereby authorized to charge any additional fees which may be required by this paper, or to credit any overpayment to Deposit Account 20-0809.

Respectfully submitted,



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